



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Not yet assigned

Group Art Unit : 1638

Applicants : Ernst Heinz et al.

Application No. : 10/053,266 Confirmation No.: 1286

Filed : January 17, 2002

For : NOVEL METHOD FOR THE GENERATION AND
SELECTION OF TRANSGENIC LINSEED/FLAX
PLANTS

New York, New York
June 17, 2002

Box Missing Parts
Hon. Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

RESPONSE TO NOTICE TO FILE MISSING
PARTS OF NONPROVISIONAL APPLICATION

Sir:

This is in response to the February 19, 2002 Notice to File Missing Parts of Nonprovisional Application (hereafter "Notice"), a copy of which is enclosed. Applicants have petitioned concurrently herewith for a two-month extension of time to respond to the Notice. With the extension, a response is due on or before June 19, 2002. Thus, this response is timely filed.

Please amend the application as follows:

IN THE SPECIFICATION

Please delete the substitute Sequence Listing filed with applicant's January 17, 2002 Preliminary Amendment and insert the substitute Sequence Listing (page 1) enclosed herewith.

REMARKS

The Notice states that the oath or declaration of the inventors is unexecuted and that a surcharge set forth under 37 C.F.R. § 1.16(l) for a small entity must be submitted. The Notice also states that substitute drawings in compliance with 37 C.F.R. § 1.84 are required. The Notice further states that the nucleotide and/or amino acid sequence disclosure in this application does not comply with the requirements under 37 C.F.R. § 1.822 and/or 1.823 because the explanation in the Other Information (<223>) field is insufficient.

Applicants have amended the specification to insert a substitute paper copy of the Sequence Listing. Applicants also hereby submit a computer-readable form copy of the Sequence Listing in accordance with the requirements of 37 C.F.R. §§ 1.821(e) and 1.824 and the required statements under 37 C.F.R. §§ 1.821(f) and 1.821(g). Applicants have amended the Sequence Listing by (1) adding Current Application Number (<140>) and Current Application Filing Date (<141>) fields to add information related to the instant application and (2) changing the Other Information (<223>) fields in SEQ ID NO: 1 and SEQ ID NO: 2 to describe the corresponding oligonucleotide artificial sequences. This amendment does not include new matter.

To satisfy the remaining requirements of the Notice, applicants enclose nine (9) sheets of formal drawings in compliance with 37 C.F.R. § 1.84; a Declaration and Power of Attorney signed by the inventors in compliance with 37 C.F.R. § 1.63; and a check in the amount of \$65.00 in payment of the outstanding surcharge.

The Director is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this response is enclosed.

Respectfully submitted,



James F. Haley (Reg. No. 27,794)

Attorney for Applicants

Karen E. Brown (Reg. No. 43,866)

Grant Kalinowski (Reg. No. 48,314)

Agents for Applicants

c/o FISH & NEAVE

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Attorney Docket No. VOS-29

Applicant(s) : Ernst Heinz et al.

Title : NOVEL METHOD FOR THE GENERATION AND
SELECTION OF TRANSGENIC LINSEED/FLAX
PLANTS

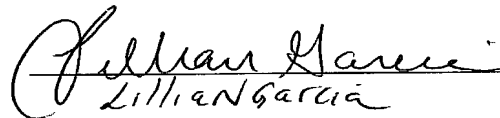
Filed Date : January 17, 2002

Application No. : 10/053,266 Confirmation No.: 1286

Express Mail mailing label number EF230792520US

Date of Deposit June 17, 2002

I hereby certify that this paper/fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Hon. Commissioner for Patents, P.O. Box 2327, Arlington, Virginia 22202, Box Missing Parts.


Lillian Garcia

Encl:

- (1) Response to Notice to File Missing Parts of Nonprovisional Application (in dupl.);
- (2) Petition Under 37 C.F.R. § 1.136(a) for Extension of Time (in dupl.);
- (3) Copy of Notice to File Missing Parts;
- (4) Paper copy of Sequence Listing;
- (5) CRF copy of the Sequence Listing;
- (6) Statement in Support of Sequence Listing;
- (7) Nine (9) sheets of formal drawings;
- (8) Executed declaration;
- (9) Check for \$65.00;
- (10) Check for \$200.00; and
- (11) Postcard.



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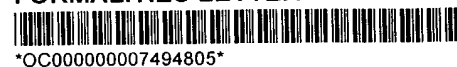
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/053,266	01/17/2002	Ernst Heinz	VOS-29

1473
FISH & NEAVE
1251 AVENUE OF THE AMERICAS
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NEW YORK, NY 10020-1105

RECEIVED

FEB 28 2002

FISH & NEAVE - PATENT DEPT.
REFERRED TO _____
NOTED BY UBCONFIRMATION NO. 1286
FORMALITIES LETTER

Date Mailed: 02/19/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted ~~DOCKETED~~ FOR April 19, 2002

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e));
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

06/25/2002 NMOHANN1 00000041 10053266

01 FC:205

65.00 OP

EF230792520US

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY